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In re Application of
PERA et al.

Application No.: 10/534,604

PCT No.: PCT/EP03/12826

Int. Filing Date: 13 November 2003

Priority Date: 15 November 2002

Attorney Docket No.: 6097P065

For: METHOD AND SYSTEM FOR
CONTROLLING AN ELECTRONIC INSTRUMENT
FOR METROLOGICAL MEASUREMENTS

COMMUNICATION

This application is before the Office of PCT Legal Administration for consideration of issues arising under 35 U.S.C. 371.

BACKGROUND

On 13 November 2003, applicant filed international application PCT/EP03/12826, which designated the U.S. and claimed a priority date of 15 November 2002. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 03 June 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 16 May 2005 (15 May 2005 being a Sunday).

On 11 May 2005, application papers requesting national stage entry in the United States for PCT/EP03/12826 were submitted by a representative for the applicant from the law firm of Blakely, Sokoloff, Taylor & Zafman LLP. These papers were accompanied by the requisite basic national fee and were assigned U.S. application number 10/534,604. (The postcard receipt date-stamped 11 May 2005 by the USPTO for these application papers are enclosed.)

On 12 May 2005, application papers requesting national stage entry in the United States for PCT/EP03/12826 were submitted by a representative for the applicant from the law firm of Fish & Richardson, P.C. These papers were accompanied by the requisite basic national fee and were assigned U.S. application number 10/534,679.

On 22 November 2005, applicants filed in application number 10/534, 679 a
"COMBINED DECLARATION AND POWER OF ATTORNEY" appointing representatives

from the law firm of Fish & Richardson, P.C.

DISCUSSION

The submission of two different sets of application papers to enter the national stage in the United States was improper. In view of the COMBINED DECLARATION AND POWER OF ATTORNEY submitted in application number 10/534,679 on 22 November 2005, applicants have selected application number 10/534,679 for national stage processing under 35 U.S.C. 371.

Accordingly, application number 10/534,604 will be deactivated and the fees will be credited to Deposit Account 02-2666.

CONCLUSION

Application number 10/534,679 will continue to be processed under 35 U.S.C. 371.

Applicants should use application number 10/534,679 in all future communications with the USPTO in regards to the U.S. national stage application based on international application PCT/EP03/12826.

Application number 10/534,679 is being forwarded to the DO/EO/US for further processing in accordance with this decision including placement of the 10/534,604 application papers in the 10/534,679 application file and deactivation of the 10/534,604 file.



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Enclosure: postcard receipt date-stamped 11 May 2005 by the USPTO